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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

Application of: Wang et al. :
Serial No.: 08/552,839 : Group Art Unit: 1636
Filed: November 3, 1995 : Examiner: D. Guzo
For: NOVEL ADENOVIRAL VECTORS, : Attorney Docket No.: 7639-0044-999
PACKAGING CELL LINES,
RECOMBINANT ADENOVIRUSES,
AND METHODS

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R:

Your Petitioner, Laura A. Coruzzi, represents that she is a partner in the law firm of Pennie & Edmonds LLP, the attorneys of record for the present application.

Your petitioner states that Cell Genesys, Inc., Assignee, is the owner of the above-identified application, which is a continuation-in-part of Serial No. 08/333,680, by virtue of an assignment which was recorded on November 3, 1995, reel 7848, frame 0240.

This petition is made on behalf of and for the benefit of the assignee.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of a patent

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issuing from application Serial No. 08/333,680 and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said patent issuing from application Serial No. 08/552,839.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application Serial No. 08/552,839, and is to be binding upon the grantees, their successors and their assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of a patent issuing from application Serial No. 08/333,680 in the event that said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that she has reviewed the assignments in the chain of title and, to the best of her knowledge and belief, title is in the Assignee seeking to take action in this matter and that she is empowered to act on behalf of the inventors and Assignee.

Petitioner hereby declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

by: *Jaqueline Benn*
Reg No. 43,492

Laura A. Coruzzi 30,742
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Dated: October 20, 1999

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*** TOTAL PAGE.06 ***

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